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PATENT APPLICATION

Our Docket No. 20010529.ORI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Lakjaya Buluwela et al
S.N. : 10/019,520 : Art Unit 1635
Filed : June 10, 2002 : Examiner Jane J. Zara
For : CONTROL OF GENE EXPRESSION

MAIL STOP NON-FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Response to Election/Restriction Requirement in response to an Office Action mailed June 2, 2005 in the above-identified patent application.

The Commissioner is hereby authorized to charge any fees listed in 37 CFR 1.16 and 1.17 which may be required by this paper or credit any overpayment to Deposit Account No. 08-1265.

No additional fee is required.

Yours very truly,

NIKOLAI & MERSEREAU, P.A.

A handwritten signature in cursive script, appearing to read 'C. G. Mersereau'.

C. G. Mersereau

CGM/bld

Enclosure

Our Docket No. 20010529.ORI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Lakjaya Buluwela et al : June 21, 2005
S.N. : 10/019,520 : Art Unit 1635
Filed : June 10, 2002 : Examiner Jane J. Zara
For : CONTROL OF GENE EXPRESSION

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is submitted in response to an Official Office Action dated June 2, 2005, which was in the form of an election/restriction requirement and carried a shortened-statutory period for response of one month so that a reply is due by July 2, 2005. It is noted that the present Action replaces an earlier restriction requirement dated March 22, 2005 which has been vacated in favor of the present restriction requirement. The present election/restriction requirement restricts examination to one of the following inventions as required under 35 USC § 121.

- I. Claims 53-88, drawn to compositions and methods comprising the administration of a polypeptide.
- II. Claims 53-106, drawn to compositions and methods comprising the administration of a polynucleotide.

Additionally, applicants have been required to elect a single nucleic acid binding portion and a single chromatin inactivation portion (e.g. including where appropriate electing a single facilitating recruitment of or component of HDAC from claim 62) from the corresponding elected group.

To comply with the election/restriction requirement, applicants hereby elect Group I containing claims 53-88 as drawn to compositions and methods comprising the administration of a polypeptide. In addition, to comply with the species election requirement, applicants select a nucleic acid binding portion species a "all or a DNA-binding portion of androgen receptor (AR) and the applicants select a chromatin inactivation portion as all of PLZF". See claim 75.

Applicants further traverse the restriction requirement inasmuch as unity of invention in the application has been upheld elsewhere and it is believed while certain differences may exist between portions of the claims of Group I and Group II, that they are really part of one generic invention and should be examined together.

Withdrawal of the restriction requirement and early examination and allowance of the claims is respectfully requested.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.



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